

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRADFORD METCALF,

Defendant.

Case No. 1:98-cr-54-02

Hon. Richard Alan Enslen

ORDER

Defendant Bradford Metcalf has filed a document entitled “Re: Return of Property Motion to Renew Previous Motions and Reply to Government’s Petition and Order for Destruction of Evidence.” The document was received before, but reviewed after the Court entered its Order of July 21, 2005. The Order denied Defendant’s requests to return dangerous property (firearms, ammunition, explosives and other contraband) to his designee (to prevent construction possession of firearms, ammunition and contraband by a felon), but ordered the return of non-contraband property to Defendant’s designee and the destruction of contraband and prohibited property.

Whether the document is analyzed under Federal Rule of Civil Procedure 60, Western District of Michigan Local Criminal Rule 47.3(a), or treated simply as a reply pertinent to a motion under Federal Rule of Criminal Procedure 41(g), the answer is the same. The reasons argued in the document do not justify a different resolution from that contained in the Order of July 21, 2005. In particular, an evidentiary hearing regarding the disposition of the property is unnecessary because the Court knows of the nature of the property from personally examining it during the prior criminal trial of Defendant. For these and other reasons given in the Order of July 21, 2005;

IT IS HEREBY ORDERED that Defendant Bradford Metcalf's Motion to Renew (Dkt. No. 412) is **DENIED**.

Dated in Kalamazoo, MI:
August 4, 2005

/s/Richard Alan Enslen
Richard Alan Enslen
United States District Judge